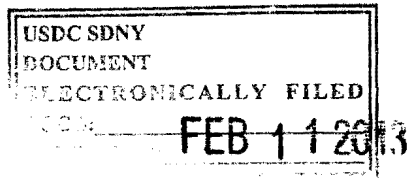


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February 8, 2013

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The Clerk of Court is Directed to:  
Term motion (doc. # )  
☒ Doc. and File As: *LSKS*

Hon. J. Paul Oetken  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street, Room 620  
New York, NY 10007

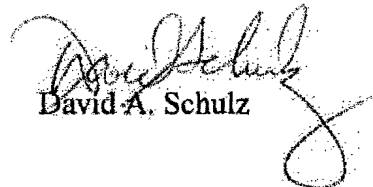
**Re: Biro v. Condé Nast, et al., 11-cv-04442 – JPO**

Dear Judge Oetken:

We represent defendants Advance Magazine Publishers Inc. and David Grann (collectively, "Advance Defendants") in the referenced libel action. I write in advance of next week's scheduling conference to respond briefly to Mr. Altman's letter of January 23, 2013 requesting guidance from the Court on how discovery might "proceed in an orderly fashion" once the stay on discovery is lifted. We do not believe that proceeding directly into discovery is either necessary or appropriate in this case.

It is the position of the Advance Defendants that the Court may properly enter judgment on the few remaining claims against them as a matter of law, without discovery, if the plaintiff is held to be a public figure for purposes of these libel claims. That issue is currently *sub judice*. If the Court finds plaintiff to be a public figure, we propose to proceed with a case dispositive motion that would avoid the significant burden and expense of unneeded discovery.

Respectfully submitted,

  
David A. Schulz

cc: All Counsel of Record (via email)